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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,171	08/26/2003	Nobuyuki Saika	16869S-091500US	4792
20350	7590	04/10/2008	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				SHINGLES, KRISTIE D
ART UNIT		PAPER NUMBER		
2141				
MAIL DATE		DELIVERY MODE		
04/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/649,171	SAIKA, NOBUYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	KRISTIE D. SHINGLES	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 January 2008.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                              |                                                                   |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|                                                                                                              | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

**Response to Amendment**

Claims 1, 7 and 13 have been amended.

Claims 1-16 are pending.

**Response to Argument**

- I. Applicant's arguments with respect to claims 1, 7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 102**

- II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- III. Claims 1-4 and 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Flanagan (US 7,200,644).

a. **Per claim 1,** *Flanagan* teaches a storage-device controlling apparatus in a storage system, comprising:

- a file system for receiving a data input/output request on file-name specification basis, and executing the input/output of data with respect to a storage device included in the file system in response to said data input/output request, said data input/output request being transmitted from an information processing apparatus connected to the storage-device controlling apparatus via a network (*col.3 lines 1-18, col.5 lines 45-67, col.6 lines 1-31 and 48-67, col.7 lines 12-36—provision for receiving data input/output request for files transmitted via a network from a client device*); and
- a processing device operative to perform steps of: receiving a proxy request for substitute-executing the download of a file from a Web server on the Internet, said proxy request being transmitted from the information processing apparatus based on HTTP protocol via said network (*col.4 lines 31-39 and 47-58, col.5 lines 52-55, col.7 lines 39-66—receiving a proxy request for downloading a file from a web server over the internet*);
- establishing a connection with the Internet (*col.7 lines 1-27, col.8 lines 3-6, col.9 lines 28-37*);
- downloading said file from said Web server in response to said proxy request (*Abstract, col.7 lines 35-37, col.8 lines 3-8, col.9 lines 28-37*); and
- storing said downloaded file into said storage device via said file system (*col.5 line 61-col.6 line 31, col.8 lines 20-33, col.8 line 54-col.9 line 35*).

b. **Claims 7 and 13** contain limitations that are substantially equivalent to claim 1

and are therefore rejected under the same basis.

c. **Per claim 2,** *Flanagan* teaches the storage-device controlling apparatus according to claim 1, wherein said processing device is operative to perform further steps of: accepting said proxy request and transmitting to a sender of said proxy request information that identifies a storage location of said file in said storage device, said file being downloaded in accordance with said proxy request (*col.5 line 52-col.6 line 31*).

d. **Per claim 3,** *Flanagan* teaches the storage-device controlling apparatus according to claim 1, wherein said processing device is operative to perform further steps of: checking whether or not, when said proxy request is accepted, said file specified by said proxy request is already stored in said storage device; and wherein, if said file has been stored in said storage device, then said download of said file will not be executed (*col.6 lines 1-18, col.7 lines 18-41*).

e. **Per claim 4,** *Flanagan* teaches the storage-device controlling apparatus according to claim 1, wherein said processing device is operative to perform further steps of: transmitting a message to a sender of said proxy request via said network when said file is stored into said storage device, said message notifying that said file has been stored into said storage device (*col.7 lines 18-41, col.9 lines 5-14*).

f. **Per claim 8,** *Flanagan* teaches the information processing apparatus according to claim 7, further comprising: means for storing a condition for determining whether or not to transmit said proxy request to said storage-device controlling apparatus, said condition being about said file that becomes a target of said download; and means for checking whether or not said file satisfies said condition when there occurs said download request for downloading said file from said Web server, wherein, if said file does not satisfy said condition, said proxy request will not be transmitted to said storage-device controlling apparatus (*col.8 lines 3-52, col.9 lines 28-37*).

g. **Claim 14** is substantially similar to claim 8 and is therefore rejected under the same basis.

h. **Per claim 9,** *Flanagan* teaches the information processing apparatus according to claim 8, further comprising: means for downloading said file by accessing said Web server by

itself if said proxy request is not transmitted to said storage-device controlling apparatus (*col.3 lines 54-57, col.6 lines 1-19*).

i. **Claim 15** is substantially similar to claim 9 and is therefore rejected under the same basis.

j. **Per claim 10,** *Flanagan* teaches the information processing apparatus according to claim 8, further comprising: means for accessing said Web server via the Internet so as to acquire information on said file when there occurs said download request for downloading said file from said Web server, and means for judging whether or not said file satisfies said condition by making a comparison between said information and said condition (*col.7 lines 35-39*).

k. **Claim 16** is substantially similar to claim 10 and is therefore rejected under the same basis.

l. **Per claim 11,** *Flanagan* teaches the information processing apparatus according to claim 10, further comprising: wherein said condition includes at least one of the following conditions: the data size of said file is larger than a threshold-value size, said data size of said file is smaller than said threshold-value size, said file is a specified type of file, the file name is a specified file name, and the updating time-and-date satisfies a set-up condition (*col.6 lines 32-45, col.7 lines 28-43, col.8 lines 3-24, col.9 lines 30-33*).

m. **Per claim 12,** *Flanagan* teaches the information processing apparatus according to claim 7, further comprising: means for allowing a Web browser to come into operation, said download request for downloading said file from said Web server occurring by being caused by said operation of said Web browser (*col.7 lines 33-35, col.6 lines 3-12, col.3 lines 40-57*).

### **Claim Rejections - 35 USC § 103**

**IV.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**V. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan (US 7,200,644) in view of Hind et al (US 6,665,721).**

a. **Per claim 5,** *Flanagan* teaches the storage-device controlling apparatus according to claim 1 as applied above, yet fails to explicitly teach the apparatus further comprising: a processing queue for storing said proxy request therein, wherein said processing device is operative to perform a step of modifying a processing sequence of proxy requests that have been registered in said processing queue. However, *Hind et al* teach a processing queue for the proxy requests that are to be converted (*col.4 lines 30-41*). Providing processing queues for requests are obvious mechanisms used in the network communications art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Flanagan* and *Hind et al* for the purpose of storing request in the processing queue for organizing and processing the requests in an orderly fashion.

b. **Per claim 6,** *Flanagan* with *Hind et al* teach the storage-device controlling apparatus according to claim 5, *Hind et al* further teach wherein a condition for starting a processing for said each proxy request is stored on said each proxy request basis, whether or not

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processing about said proxy requests should be started being determined depending on said condition, said proxy requests being registered in said processing queue (*col.4 line 30-col.5 line 2*).

### **Conclusion**

**VI.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kawakita (2003/0074425), Shimura (6,370,687), Sarukkai (6,775,695), Christensen et al (6,330,605), Grove et al (7,020,719).

**VII.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**VIII.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIE D. SHINGLES whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie D. Shingles***

***Examiner***

***Art Unit 2141***

***kds***

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144